

FILED
CHARLOTTE, NC

MAY 10 2019

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA

US DISTRICT COURT
WESTERN DISTRICT OF NC

LISA CAROL RUDISILL

Plaintiff,

COMPLAINT

vs.

Case No. 3:19-cv-226-RJC

North Carolina
Board of Elections

Defendant(s).

A. JURISDICTION

Jurisdiction is proper in this court according to:

42 U.S.C. §1983

42 U.S.C. §1985

Other (Please specify) _____

B. PARTIES

1. Name of Plaintiff:

Address:

LISA CAROL RUDISILL
~~North Carolina Board of Elections~~
~~7101 Londontowne Dr~~
~~Raleigh NC Charlotte NC 28226~~

2. Name of Defendant:

Address:

North Carolina Board of Elections
430 N. SAUSBURY ST (3rd flr, wr)
Raleigh, NC 27603-5918

Is employed as _____ at _____
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES NO , if "YES" briefly explain:

The Board of Elections was acting to determine validity of Complaint regarding election results of 2018 9th Congressional Dist election

3. Name of Defendant: _____

Address: _____

Is employed as _____ at _____
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES NO , if "YES" briefly explain:

4. Name of Defendant: _____

Address: _____

Is employed as _____ at _____
(Position/Title) (Organization)

Was the defendant acting under the authority or color of state law at the time these claims occurred? YES NO , if "YES" briefly explain:

(Use additional sheets if necessary.)

C. NATURE OF CASE

Why are you bringing this case to court? Please explain the circumstances that led to the problem.

The NC Board of Elections improperly investigated the 9th Congress. Dist 2018 Election in early 2019 after new board members were appointed by the Gov. and pressured the incumbent Mark Harris into conceding the race & opening a new election.

D. CAUSE OF ACTION

I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach additional pages)

a. (1) Count 1: NC Board of Elections failed to adequately + honestly secure my vote as a citizen
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)
They improperly pressured Mark Harris to withdraw, though NC law says they cannot take an election away unless the tainted votes cause the election to swing from the opponents victory.

b. (1) Count 2:
(2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly in your own words without citing any legal authority. Use additional sheets if necessary.)

E. INJURY

How have you been injured by the actions of the defendant(s)?

I, as a voter in the 9th Congressional District and in NC elections of all types, had my rights violated to a legitimate governance of this election. By NC law, an investigation of election results (as with Gov. McCrory's previous election complaint stated in rejection of his plea) cannot be done unless the "fainting" if proven would change the outcome of the election. Mark Harris legitimately won by 20% votes so I cannot trust my state's election officials,

F. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Have you filed other lawsuits in state or federal court that deal with the same facts that are involved in this action? YES NO

If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe additional lawsuits on additional separate pages, using the same outline.)

1. Parties to previous lawsuits:

Plaintiff(s): NA

Defendants(s): _____

2. Name of court and case or docket number:

3. Disposition (for example, was the case dismissed? Was it appealed? Is it still pending?)

4. Issues raised:

5. When did you file the lawsuit?

Date: Month/Year

6. When was it (will it be) decided?

Have you previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D? YES NO

If your answer is "YES" briefly describe how relief was sought and the results. If your answer is "NO" explain why administrative relief was not sought.

G. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

I ask for an INJUNCTION to stop the current election activities and the May 14 Primary general voting day as I believe the NC Board of Elections acted against my rights as a 9th Congressional Dist voter in causing a withdrawal by Harris and a called new election

JURY TRIAL REQUESTED YES NO

Signed at Charlotte, NC on 5/10/19
(Location) (Date)

Lisa C. Rudisill

Signature

Address:

7101 Londonlouise Dr
Charlotte NC 28226

Phone:

(980) 228-6195

E-Mail:

gooldslisacu@aol.com

PLAINTIFF: Lisa Carol Rudisill,
registered voter, 9th Congressional District, NC
7101 Londontowne Dr
Charlotte NC 28226

COMPLAINT AGAINST: NORTH CAROLINA BOARD OF ELECTIONS &
GOVERNOR ROY COOPER

DATE: May 10, 2019

COMPLAINT: I, Lisa C. Rudisill of Charlotte, a registered voter in the 9th NC Congressional District, allege that the N.C. Board of Elections took illegal actions in its questioning of the 2018 9th Congressional District Election results in which Mark Harris won by number of votes, causing the 283,717 votes of this election to be discounted and a new election to be called; that the standing Board of Elections officials who investigated this election did not have sufficient proof before investigation that the “tainting” of the election would affect the outcome in terms of number of votes cast; that in fact, upon the final conclusion of the investigation, ~~that~~ the number of votes in question did NOT affect the actual vote outcome, thus they did NOT overturn the election results; that through unfair pressuring of the winning candidate in a hearing which should not have been called they caused the winning candidate, Mark Harris, to withdraw due to much adverse publicity; that their actions violated state elections law.

Further, as an informed voter, I maintain that with another election (then incumbent Governor Pat McCrory vs current Governor Roy Cooper) in which such questions of voter manipulation were raised, questions were discounted by the state Board and new elections were NOT called for, making unfair and unequal treatment within this state and violating the voters express right to fair elections in the state.

It is also charged that the vote to create a new Ethics Board for the Board of Elections which was passed last November by voters was used to affect this current election unfair, with appointees to the board of the governor’s political ^{Party} being made in the early part of this election investigation of Mark Harris which “taint” the

outcome of this investigation and cause substantial and unfair effects in the resulting investigation of Mark Harris.

I bring these charges as a citizen of North Carolina, a registered and active voter, and a voter within the 9th Congressional district of this state.

AS A RESULT OF THE ILLEGAL ACTIONS WHICH CAUSED THE NOVEMBER 2018 9TH CONGRESSIONAL ELECTION TO BE CONCEDED BY WINNING CANDIDATE MARK HARRIS, I, AS A CITIZEN VOTER WITHIN THIS CONGRESSIONAL DISTRICT, CALL FOR AN INJUNCTION TO STOP THE CURRENT PRIMARY RE-ELECTION FOR THE 9TH CONGRESSIONAL DISTRICT WITH GENERAL ELECTION DATE BEING MAY 14TH, 2019.

Entered May 20, 2019
Charlotte, North Carolina

DOCUMENTS SUPPORTING MY CASE:

Article from "The Conservative Action Report" detailing the events (with references) that transpired with the Governor McCrory vs Cooper election as well as the events regarding this case surrounding Mark Harris's election overturning;

Board of Elections Print Screens from Internet: Journal Detailing Chronology of Dates of Actions Surrounding the Investigation of Mark Harris and results, including Board of Elections board changes.

Statement of Number of Votes Cast and the Lack of Effect that the Removal of Absentee Votes for Mark Harris actually had in the election results—NONE.

The Conservative Action Report

Vol. IX No. 2

March-April 2019

Circulation 18,000

North Carolina Election Board Fails to Do Its Duty in Investigation of Harris-McCready Election

What the left-wing
media failed to tell you

By William G. Carter

Our story begins on election night 2016 (not 2018). Incumbent N.C. Gov. Pat McCrory seeking a second four year term trails Roy Cooper (the Democratic candidate and Attorney General) by 5,000 votes

with the North Carolina Board of Elections. The complaint alleges a small group of individuals in Bladen County are manipulating absentee ballots to inflate McCrory's opponent's vote totals. The Bladen County Improvement Association PAC (focused on "get out the vote" absentee ballots in the African-American community) has received money from the North Carolina Democratic Party to fund an absentee ballot vote campaign. Sound familiar? (Source: WBT Charlotte, Feb. 29, 2019)

The N.C. Board of Elections rejects McCrory's complaint, ruling the attorneys for the Republicans have not presented "substantial evidence sufficient to change the outcome of the election." This criterion is standing State Law in North Carolina.

So if a plaintiff cannot prove his opponent stole enough votes to overturn his opponents' lead, nothing is actionable. A "tainted" election has no standing in North Carolina law.

McCrory then files a complaint with the North Carolina State Bureau of Investigation or NCSBI.

Neither complaint is acted upon. McCrory suspects election fraud in other counties and ends up challenging the absentee ballots in 52 of 100 North Carolina counties in his complaint, but the investigation never occurs.

McCrory says, "If a Democrat is behind in an election, it's enough to say the election is 'tainted' without producing proof of vote fraud sufficient to change the outcome of the election, while if a Republican is behind, the State doesn't even call a hearing." (Source: WBT Charlotte Radio Feb. 20, 2019)

Fast forward to the Nov. 6, 2018 Ninth



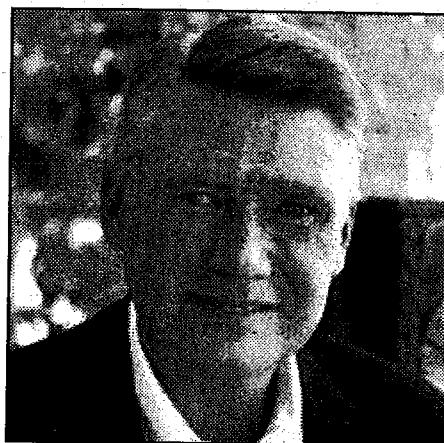
Pat McCrory

as the polls close. The 5,000-vote lead held by Cooper represents a tiny fraction of the 4.6 million votes cast.

Gov. McCrory suspects election fraud and in December 2016 files a complaint

(Continued from page 1)

On day two of the hearing, one Lisa Britt appeals as a witness. She testifies that she was hired by McCrae Dowless to collect absentee ballots (a violation of the law). This is evidence of a "tainted" election, but it does not meet the Standard of NC Election as "sufficient to change the



Mark Harris

outcome of an election."

On the basis of Britt's testimony, the *Charlotte Observer*'s editorial board runs an opinion column titled, "We've Heard Enough," which states that the hearing was a proceeding to determine if Republican Mark Harris' victory over Democrat Dan McCready on Nov. 6, 2018 was "tainted." It ends saying that the NC Board of Elections doesn't need proof that at least 905 votes were tampered with, or that Harris knew it was happening. Correction: IT MOST CERTAINLY DOES!

That is to be in compliance with state law of "substantial evidence sufficient to change the outcome of the election must be presented.

Lisa Britt also testified that "Mark Harris had no knowledge of the workings of the Dowless operation."

That McCrae Dowless violated the rules for collecting absentee ballots appears obvious. That this changed the outcome of an election where 283,717 people voted is not evident.

If you eliminate every absentee ballot that Mark Harris got in Bladen County (420) and Robeson County (259) (source: Raleigh News & Observer, Feb. 15, 2019), thus eliminating the effects of the Dowless absentee vote campaign from the election, and allowing Dan McCready's campaign to keep all the absentee ballots, Mark Harris still wins by 226 votes. That is, as the Democrats say, "if every vote counts." (420 + 259 = 679 minus Harris 905 vote lead = a victory by 226 votes.

On day four of the hearing, after John

Harris testifies against his own father, Harris, demoralized and surrounded by enemies, capitulates and gives his enemies what they want: a new election.

Shortly afterward, McCready's attorney Mark Elias calls for an abrupt end to the hearing and Roy Cooper's Election Board quickly complies. Thus it appears that Mark Harris walked into an ambush—a hearing whose only goal was to force a new election and trash the ballots of 283,717 voters.

According to Pat McCrory, the reason Elias moved to close the proceedings was to eliminate any possibility of other witnesses being called who were there to testify about the activities of a Democratic Party apparatus that was conducting its own absentee ballot campaign that functioned just like the Dowless group. (Source: Pat McCrory, "Pat McCrory Show," WBT Charlotte, Feb. 26, 2019)

In addition, there are witnesses who say individuals with the Bladen County Improvement PAC group picked up their ballots (which is a violation of NC State Election law). Three men with the Bladen County Improvement PAC collected more than 400 signatures. (Source: WBT Charlotte, TV Feb. 25, 2019, 6:38 p.m. and 7:12 p.m.)

In addition, Dan McCready never appeared at these proceedings. So, he was unavailable to answer anything if called to do so. So exactly what kind of a hearing was this?

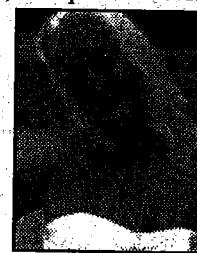
We now know that McCrae Dowless has worked in many other campaigns, mostly Democrats. DID he arrange the "Absentee Ballot Campaign" in Bladen County for Roy Cooper in 2016, the one Pat McCrory filed a complaint about? Well, we don't know, but I'd lay odds he did!!!

What we did discover was that Dowless testified in "CLOSED SESSION" before Cooper's handpicked election board and what he disclosed to them was so unsettling that the Board "refused to compel him to testify before them in an open session (which was never reported by the print media in North Carolina).

Source: NBCNews.com, Feb. 19, 2019, by Leigh Ann Cardwell

Besides, the goal of the hearings that began on Feb. 18 was to STOP MARK HARRIS, not to let the truth of McCrae Dowless' other efforts out in the sun for all to see.

It is evident that the pro-LGBTQ *Charlotte Observer* and their owners in California were not going to allow Mark Har-



Lisa Britt

District Congressional Election.

Mark Harris wins the NC Ninth District Congressional election by 905 votes. Dan McCready, the Democrat, concedes defeat and all appears finished until Joshua Malcolm, Vice Chairman of the NC Board of Elections, an attorney by trade and a Democrat by choice, declares the Ninth District race is tainted and makes a motion that the Election Board not certify the election. The NC Election Board so votes, and declares a hearing for Dec. 21 to hear evidence of election irregularities.

The hearing set for Dec. 21 is postponed until Jan. 11 and then to Feb. 18. During this time, *The Charlotte Observer* conducts a campaign to convict Mark Harris in the "court of public opinion." Harris states on Feb. 9 that the Democrats and liberal media have "spared little expense disparaging his good name."

On Feb. 18, the long awaited hearings, conducted by a new five man NC Board of Elections, begins. This Board is hand-picked by Democratic Gov. Roy Cooper and is composed of three Democrats and two Republicans, a built-in advantage for the Democrats.

Marc Elias, a nationally recognized attorney for the National Democratic Party, is on hand to represent Democrat Dan McCready. Elias, when asked, refuses to disclose who is paying his legal bill, which



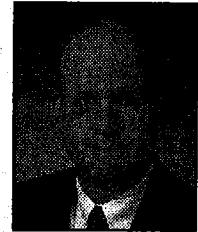
Dan McCready

will surely be large. In contrast, Mark Harris hires an attorney at his own expense.

Elias never takes the position that there is "substantial evidence sufficient to change the outcome of the election." He ignores the criteria used to refuse Pat McCrory a hearing in 2016 and chooses instead to attack Mark Harris for ignoring his son John Harris' advice not to hire McCrae Dowless, a political operative in Bladen County. Dowless is involved in a vote fraud allegation that he and seven other people he employed actively collected absentee ballots on behalf of Mark Harris (a violation of NC law).



McCrae Dowless



Mark Elias

Elias hopes to show that Harris knew of Dowless' illegal absentee vote scam by showing that his son John had warned him about Dowless by emails.

Meanwhile, Andy Yates, co-founder of "Red Dome Group," a political consulting firm that was hired by Mark Harris to help manage his campaign, testifies that "McCrae Dowless knew the details of absentee ballot law well and that he believed Dowless and his workers were following the law carefully." Source: Charlotte Observer, page 1, Feb. 20, 2019.

See Harris-McCready, page 3

Pat McCrory says in the Feb. 18 hearing that Mark Elias (Dan McCready's lawyer) and Gov. Roy Cooper's hand-picked election board, did not want any testimony made public about the Bladen County Improvement PAC during the Feb. 18-21 hearings.

(continued from page 1)

ris, former head of N.C. Southern Baptist Convention and leader of the campaign in North Carolina to have a State Constitutional Amendment defining marriage as between one man and one woman (which won by 61 percent of the vote) to become the new congressman in the Ninth Con-

spent \$6 million to \$2 million) pulled off an upset election and actually won? We will most likely never know because of the shoddy investigation by Roy Cooper's Election Board.

In closing, will the voters of the N.C. Ninth Congressional District allow a Cali-

Dan McCready, Democrat candidate for Congress in North Carolina's Ninth District, refuses to go on the Pat McCrory show. (WBT Charlotte Radio)

gressional District.

Was the knowledge of McCrae Dowless' past activities on behalf of the Democrats the "ultimate insurance policy" the Democrats possessed in case Harris (out-

fornia-owned leftist newspaper, *The Charlotte Observer*, to shoehorn their candidate into Congress and ram their leftist agenda down our throats? It's time to resist!

If you subtract every absentee vote Mark Harris received and allow Dan McCready to keep all of his absentee votes, Mark Harris still wins by 226 votes!

← → [BP North Carolina's 2nd-9th Cong., P->C](https://ballotpedia.org/North_Carolina's_2nd_9th_Cong,_P->C) [\[Print\]](#)

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December 2018

- December 28, 2018:
 - The North Carolina State Board of Elections was dissolved at noon. At the time, it was unclear whether an interim board would be appointed to serve until a new board came together on January 31, 2019, according to state law. Hamis filed an emergency petition to have the election results certified before the board dissolved, but an emergency session to consider the petition was not called.^[12]
 - The incoming U.S. House majority leader, Steny Hoyer (D), said in a statement that Democrats would object to Hamis being seated on January 3, 2019.^[13]
- December 27, 2018: A panel of three state judges ruled to dissolve the state board of elections. The decision was connected to an earlier court ruling that declared the structure of the board unconstitutional. The court had previously ruled to delay dissolving the board so it could continue investigating alleged fraud related to the election, but on December 27, judges ruled to dissolve it, stating that the board had failed to provide reasons for delaying its evidentiary hearing until January 11, 2019.^[14]
- December 17, 2018: The North Carolina Republican Party released a resolution calling on the North Carolina State Board of Elections to produce evidence that the alleged voting irregularities would have changed the outcome of the race or immediately certify the results.^[15]
- December 14, 2018: The North Carolina State Board of Elections announced it would hold a public evidentiary hearing on January 11, 2019, delaying the initially planned hearing set to be held by December 21, 2018.^[16]
- December 11, 2018: Robin Hayes, the chairman of the North Carolina Republican Party, called for a new election if allegations that early votes in the race were improperly viewed were true. He said, "This action by election officials would be a fundamental violation of the sense of fair play, honesty, and integrity that the Republican Party stands for. We can never tolerate the state putting its thumb on the scale. The people involved in this must be held accountable and should it be true, this fact alone would likely require a new election."^[17]
- December 6, 2018: The editorial board of the *The Charlotte Observer* called for a new election. The board wrote, "Unless new evidence somehow clears the clouds hanging over this election, the Board of Elections should toss out the 9th District results."^[18]
- December 1, 2018: North Carolina State Board of Elections Chairman Andy Penny resigned from office following a complaint from Wake County Republican Chairman Charles Helwig saying Penny had made social media posts critical of President Donald Trump (R) and other Republicans. Penny said in a statement announcing his resignation, "The investigation should be free of attempts at distraction and obstruction so that the truth can be revealed. I will not allow myself to be used as an instrument of distraction in this investigation."^[19]

November 2018

- November 30, 2018: The North Carolina State Board of Elections reconvened and voted, 7-2, for an evidentiary hearing on the irregularities before December 21, 2018.^[20]
- November 28, 2018: Bobby Ludlum, the chairman of the Bladen County Board of Elections, said that the chief investigator for the North Carolina Board of Elections collected absentee by mail ballot request forms and their return envelopes from Bladen County, which partially sits in the 9th District, after the election.^[21]
- November 27, 2018: The North Carolina State Board of Elections, which is comprised of four Democrats, four Republicans, and one independent member, voted unanimously not to certify the results in the 9th Congressional District. Vice Chairman Joshua Malcolm, who made the motion to delay certification, cited a law saying the board could "take any other action necessary to assure that an election is determined without tampering or corruption and without irregularities that may have changed the result of an election."^[22]



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NUMBER OF VOTES CAST IN ELECTION OF
NORTH CAROLINA 9TH CONGRESSIONAL DISTRICT
IN OCTOBER/NOVEMBER 2019 & THE EFFECTS OF
REMOVAL OF ABSENTEE VOTES FOR HARRIS
IN COUNTIES IN QUESTION: ROBESON AND BLADEN

MARK HARRIS VOTES

139,246

DAN MCCREADY VOTES

138,341

JEFF SCOTT VOTES

5,130

* Election Won by Harris—Margin was 905 VOTES *

MARK HARRIS TOTAL VOTES

To Win Election

Less Total of All Absentee Votes Bladen County

905

-437

468

Less Total of All Absentee Votes Robeson County

-259

Remaining Total Mark Harris Votes:

209

OUTCOME OF ELECTION NOT AFFECTED

UNITED STATES DISTRICT COURT
for the
Western District of North Carolina

Plaintiff)
v. LISA CAROL) Civil Action No. 3:19-cv-226-RJC
RUDISILL)
)
)
)
)

Defendant N.C.

BOARD OF
ELECTIONS

SUMMONS IN A CIVIL ACTION

TO: (Defendant's name and address)

NORTH CAROLINA BOARD of ELECTIONS
430 N. SALSBURY ST (3rd floor)
RALEIGH, NC 27603-5918

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – or 60 days if you are named as a defendant within an asbestos litigation case – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LISA C. RUDISILL
7101 London Towne Dr.
Charlotte NC 28226

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))

This summons for *(name of individual and title, if any)*

was received by me on *(date)* _____.

I personally served the summons on the defendant at
(place) _____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there, on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title